

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re VALVE ANTITRUST  
LITIGATION

LEAD CASE NO. C21-0563-JCC

ORDER

This matter comes before the Court on the parties' LCR 37(a)(2)(I) submission (Dkt. No. 94). The parties seek expedited rulings on the anticipated case schedule and what, if any, limitations should apply to the submission of dispositive motions.

The parties first debate whether class certification expert reports are best exchanged concurrent or prior to class certification briefing, and whether Plaintiffs may submit a certification expert rebuttal report supporting their reply brief. (*Id.* at 7–17.) The Court concludes that it would be most efficient, and consistent with comparable actions, for the parties to submit expert certification reports *concurrent* to their briefing. Moreover, given Plaintiffs' burden on certification, they should be permitted to submit an expert certification rebuttal along with their reply brief.<sup>1</sup>

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<sup>1</sup> That report, of course, must be limited to evidence or argument raised by Defendant in its opposition brief.

1 The parties next debate whether Defendant should be prohibited from (a) again moving to  
2 dismiss Plaintiffs' anticipated consolidated class action complaint, so long as it contains no new  
3 substantive allegations, and (b) filing successive summary judgment motions. (*Id.* at 17–20.)  
4 Plaintiffs contend these limitations are necessary and in the interest of efficiency. The Court  
5 disagrees. Neither would be consistent with the Local Rules nor necessary to fairly and  
6 expeditiously move this matter forward.

7 With this guidance in mind, the parties are ORDERED to meet and confer and provide  
8 the Court with a joint proposed scheduling order for this matter through summary judgment  
9 briefing within ten (10) days of this Order. If the parties are unable to do so, they may submit a  
10 renewed LCR 37(a)(2)(I) filing regarding the remaining disputed issues associated with a case  
11 management schedule.

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13 DATED this 16th day of August 2022.

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17 John C. Coughenour  
18 UNITED STATES DISTRICT JUDGE  
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